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THE BANGALORE MUNICIPAL CORPORATION BILL.

WHEREAS it is expedient to consolidate and amend the law relating to the municipal affairs of the City and the Civil Station, of Bangalore ; Preamble.

IT IS hereby enacted as follows :—

PART I.

CHAPTER I.

PRELIMINARY.

1. (1) This Act may be called the Bangalore Municipal Corporation Act, 194-. Title and extent.

(2) Except as herinafter expressly provided it extends only to the City of Bangalore and the Civil Station of Bangalore.

2. The enactments mentioned in Schedule I are repealed to the extent specified in the fourth column thereof. Repeal of enactments.

3. In this Act, unless there is anything repugnant in the subject or context— Definitions.

(1) "appoint" includes to appoint temporarily or in an officiating capacity ;

(2) "appointment" includes temporary and officiating appointment ;

(3) "budget grant" means any sum entered on the expenditure side of a budget estimate which has been adopted by the corporation ;

(4) "building" includes a house, out-house, stable, latrine, shed, hut, wall (other than a boundary wall not exceeding eight feet in height) and any other such structure, whether of masonry, bricks, wood, mud, metal or any other material whatsoever ;

(5) "building-line" means a line which is in rear of the street-alignment and to which the main wall of a building abutting on a street may lawfully extend and beyond which no portion of the building may extend except as prescribed in the building rules ;

(6) "carriage" means any wheeled vehicle with springs or other appliances acting as springs and includes any kind of bicycle, tricycle, rickshaw and palanquin, but does not include any motor vehicle within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944 ;

(7) "cart" includes any wheeled vehicle which is not a carriage but does not include any motor vehicle within the meaning of the Mysore Motor Vehicles and Road Traffic Act, 1944;

(8) "casual vacancy" means a vacancy occurring otherwise than by efflux of time in the office of a councillor or an alderman or in any other elective office, and "casual election" means an election held on the occurrence of a casual vacancy;

(9) "keri" or "hutting ground" means an area containing land occupied by, or for the purpose of, any collection of huts, standing on a plot of land, or two or more plots of land which are adjacent to one another, and not less than two thousand four hundred square feet in area;

(10) "city of Bangalore" or "City" means the area declared by Government by notification to be the city of Bangalore;

(11) "company" means a company as defined in the Mysore Companies Act, 1938, or formed in pursuance of an Act of the legislature of a British Possession or of an Act of the Indian Dominion Legislature and includes any co-operative society registered under any law for the time being in force in Mysore;

(12) "cream" means that portion of milk, rich in milk-fat which has risen to the surface of milk on standing and has beenremoved or which has been separated from milk by centrifugal force;

(13) "dairy" includes any farm, milk store, milk shop, or other place from which milk is supplied only on, or for, sale or in which milk is kept for the purposes of sale, or manufactured into butter, ghee, cheese, curd or dried or condensed milk, for sale, and in the case of a dairyman who does not occupy any place for the sale of milk, includes the place where he keeps the vessels used by him for the sale of milk, but does not include—

(*a*) a shop from which milk is not supplied otherwise than in properly closed and unopened receptacles in which it was delivered to the shop, or

(*b*) a shop or other place in which milk is sold for consumption on the premises only;

(14) "dairyman" includes any occupier of a dairy, any cow-keeper who trades in milk, or any seller of milk whether wholesale, or by retail;

(15) "dairy produce" includes milk, butter, butter-ghee, curd, butter-milk, cream, cheese, and any and every product of milk;

(16) "dangerous disease" means—

(*a*) anthrax, chicken-pox, cholera, diphtheria, enteric fever, leprosy, measles, plague, pulmonary tuberculosis, rabies, small-pox, and

(*b*) any other disease notified under section 374 ;

(17) "depressed classes" means the castes, communities, races or tribes known as the Adikarnatakas, Adidravidas, Lambanis (Banajars), Voddas, Korachas, Koramas, Hill tribes and Animists ;

(18) "filth" includes sewage, night-soil, dung, dirt, putrid and putrefying substances and all offensive matter ;

(19) "food" includes every article (other than drugs and water) used by man for food or drink and all materials used or admixed in the composition or preparation of such article and shall also include flavouring or colouring matter, confectionery, spices and condiments ;

(20) "hut" means any building which is constructed principally of wood, mud, leaves, grass or thatch and includes any temporary structure of whatever size or any small building of whatever material made which the corporation may declare to be a hut for the purpose of this Act ;

(21) "latrine" means a place set apart for defecating or urinating or both and includes a closet of the dry or water carriage type and urinal ;

(22) "milk" means the normal clean secretion drawn from the udder of a healthy cow, buffalo, sheep or goat either completely or after the first portion of such secretion has been drawn off to completion and includes cream, skimmed milk, separated m ilk,and condensed and dessicated milk ;

(23) "municipal office" means the principal office of the corporation ;

(24) "nuisance" includes any act, omission, place or thing, which causes or is likely to cause injury, danger, annoyance, disturbance, or offence to the sense of sight, smell or hearing or to rest or sleep or which is or may be dangerous to life or injurious to health or property ;

(25) "occupier" includes any person for the time being paying or liable to pay to the owner, the rent or any portion of the rent of the land or building or part of the same in respect of which the word is used or damages on account of the occupation of such land, building or part and also a rent-free tenant ;

(26) "ordinary vacancy" means a vacancy occurring by the efflux of time and "ordinary election" means an election held on the occurrence of an ordinary vacancy ;

(27) "owner" includes (*a*) the person for the time being receiving or entitled to receive whether on his own account or as agent, trustee, guardian, manager or receiver for another person or for any religious or charitable purpose the rent or profits of the property in connection with which the word is used, (*b*) the person for the time being in charge of the animal or vehicle in connection with which the word is used ;

(28) "prescribed" means prescribed by the Government by rules under this Act ;

(29) "private street" means any street, road, square, court, alley, passage or riding-path, which is not a "public street" but does not include a pathway made by the owner of premises on his own land to secure access to or the convenient use of such premises ;

(30) "public street" means any street, road, square, court, alley, passage or riding-path over which the public have a right of way whether a thoroughfare or not and includes—

(*a*) the roadway over any public bridge or causeway,

(*b*) the foot-way attached to any such street, public bridge or causeway, and

(*c*) the drains attached to any such street, public bridge or causeway and the land, whether covered or not by any pavement, verandah, or other structure, which lines on either side of the roadway up to the boundaries of the adjacent property, whether that property is private property or property belonging to Government;

(31) "public water course, springs, wells and tanks" include those used by the public to such an extent as to give a prescriptive right to such use ;

(32) "railway" includes a tramway ;

(33) "reconstruction of a building" includes—

(*a*) the re-erection wholly or partially of a building after more than one-half of its cubical content has been taken down or burnt down or has fallen down, whether at one time or not ;

(*b*) the re-erection, wholly or partially, of any building of which an outer wall has been taken down or burnt down or has fallen down to or within ten feet of the ground adjoining the lowest storey of the building, and of any building frame, which has so far been taken down or burnt down or has fallen down as to leave only the frame-work of the lowest storey ;

(*c*) the conversion into a dwelling house, or a place of public worship of any building not originally constructed for human habitation or for public worship, as the case may be, or the conversion into more than one dwelling-house only or the conversion of a dwelling-house into a factory ;

(*d*) the re-conversion into a dwelling-house or a place of public worship or a factory of any building which has been discontinued as, or appropriated for any purpose other than, a dwelling-house or a place of public worship or a factory, as the case may be;

(34) "registered labour association" means an association registered under the Mysore Labour Act, 1942, for the time being in force ;

(35) A person is deemed to have his "residence" or to "reside" in any house or hut if he sometimes uses any portion

thereof as a sleeping apartment, and a person is not deemed to cease to reside in any such house or hut merely because he is absent from it or has elsewhere another dwelling in which he resides, if he is at liberty to return to such house or hut at any time and has not abandoned his intention of returning;

(36) "rubbish" means dust, ashes, broken bricks, mortar, broken glass, and refuse of any kind which is not "filth";

(37) "salary" means pay and acting pay, or payment by way of commission, and includes exchange compensation allowances, but not allowances for house-rent, carriage hire, or travelling expenses;

(38) "scavenger" means a person employed in collecting or removing filth, in cleaning drains, latrines or slaughter-houses or in driving carts used for the removal of filth;

(39) "street-alignment" means a line dividing the land comprised in and forming a part of a street from the adjoining land;

(40) "water-course" includes any river, stream or channel whether natural or artificial;

(41) "year" means the financial year.